

REMARKS

All claims stand rejected. Upon entry of the present amendment, claims 17-20 will be in the application. The only independent claim in the application, claim 17, has been amended for a second time. Re-examination and reconsideration are respectfully requested.

On page 2, paragraph 2, of the Office Action, under the heading "Detailed Action, Claim Rejections - 35 USC § 103", it was stated as follows:

" Claims 17-20 are rejected under 35 USC 103(a) as being unpatentable over Steffen (4,037,527) in view of Joy (3,785,271). Steffen teaches, substantially, each feature of the claimed invention as shown in the red marked up copy of Steffen's Figure 3 attached to the Office Action of November 19, 2002. Steffen, however, does not teach an opening in the wall. Joy teaches an opening in the wall as shown in the red marked up copy of Joy's Figure 4 attached to the Office Action of November 19, 2002. It would have been obvious to one of ordinary skill in the art at the time of the invention to have made an opening in Steffen's wall in order to pass, for example, electrical wires for supplying a socket with electricity for use in Steffen's bin (10) as taught by Joy. Regarding claim 4, it is well known to provide slots in place of holes for flexibility of fastening of flanges."

On page 3, paragraph 1, of the Office Action, under the heading "Examiner's

Response to Applicant's Remarks", it was stated as follows:

" Applicant's arguments regarding claims 17-20 have been considered but are not persuasive. Applicant argues that Steffen '527 is nonanalogous art and that Steffen does not teach an exhaust fan.

Regarding Applicant's analogous art assertion, Steffen teaches a solution to the same problem the present invention seeks to solve. The problem is mounting a flanged fan to a manway (perhaps of a different diameter as the flange). Steffen teaches a flange structure mountable to the manway and the fan as claimed.

Regarding Applicant's exhaust fan assertion, Steffen teaches a fan to generate flow into the bin by pushing outside air through the bin. The outside air inherently must be exhausted from the bin to encourage flow (for example, out through 13). Therefore an exhaust fan may pull air out or push air out as long as the air is flowing out."

Applicant respectfully submits the statement that "...Steffen teaches a solution to the same problem the present invention seeks to solve. The problem is mounting a flanged fan to a manway (perhaps of a different diameter as the flange). Steffen teaches a flange structure mountable to the manway and the fan as claimed..." is incorrect. Steffen connects a flange and fan to a fan opening 18 in a grain bin; fan opening 18 is not a manway, and therefore the problem solved by the presently claimed invention is different from that solved by Steffen. Steffen does not

temporarily connect a portable flange to a manway to a tank while workers are temporarily in the tank, and provide openings in the flange to accommodate workers' hoses and electrical lines.

Claim 17 has been amended a second time and is now believed allowable over all prior art. Amended claim 17 is directed to:

"A portable flange for temporarily connecting an exhaust fan for exhausting gases and circulating fresh air to a manway to a tank while workers are temporarily working in said tank which enables the extension of worker's lines hoses and electrical wires from the exterior of said manway through said manway having said exhaust fan attached thereto, said flange comprising:

a. a top plate for temporarily connecting said flange to said exhaust fan, said top plate having a generally circular opening in the center thereof,

b. a bottom plate for temporarily connecting said flange to said manway, said bottom plate having a generally circular opening in the center thereof, and

c. a hollow sleeve having a cylindrical wall terminating in two generally circular ends, one of said two ends being connected to said bottom plate at the periphery of said opening in said bottom plate, and the other of said two ends being connected to said top plate at the periphery of said opening in said top plate, said sleeve having at least one opening in said wall for temporary receipt of said lines hoses and electrical wires, wherein said top plate is parallel to said bottom plate, and said wall of said sleeve is perpendicular to said bottom plate and said top plate.",

whereas Steffen (4,037,527) teaches a fan 25 connected to a permanent, not portable mounting structure 21 having no opening in the wall thereof for receipt of lines which are normally connected to a grain bin, and, furthermore, are only removed for "...easy access

to the fan and motor 25 and 26 for repairs if needed.” (See column 3, lines 24-27 of Steffen). The purpose of the mounting structure 21 of Steffen is to “allow for the ease with which a fan or other structure needed to be connected to a grain bin opening can be connected or disconnected...” (see column 2, lines 47-49 of Steffen), **whereas the purpose of the present invention is to enable worker’s hoses and electrical wires to enter a manway having a fan temporarily connected thereto.** The portable exhaust fan of the present invention is only temporarily connected to a manway of a tank while workers are performing work in the tank, and normally the manway is open to provide access for workers to the interior of the tank. As is well known in the art, when work in the tank is complete, the exhaust fan is removed and the opening or manway holding the invention is closed to enable the tank or other enclosed area to be truly enclosed and utilized for its intended purpose, such as holding fluids. The flange of the invention is portable and is moved from a completed tank to another tank for temporary connection of an exhaust fan thereto.

Thus, Steffen teaches a permanent flange and exhaust fan which are normally connected to a fan opening in a grain bin, not a manway in the grain bin, whereas the present invention is only connected to a tank when workmen are in the tank and the tank is not being utilized for its intended purpose. Furthermore, one of ordinary skill in the art trying to extend worker’s hoses and electrical wires temporarily into a tank manway having an exhaust fan therein temporarily while workmen are working in the tank would not be reasonably led to consider a grain bin having a normally attached fan necessary for the grain drying bin to perform its intended function of **drying grain having no means for enabling workers’ lines to enter the bin through the opening in the grain bin to which the fan is attached.** Hindsight only would lead one to utilize the teaching of Steffen as one of two combined references to create the present invention.

Joy teaches a low profile ventilator apparatus for use in mobile homes, modular homes and the like which includes a structural combination of lighting means or a radiant heat lamp cooperatively associated with a bathroom fan such as to permit straight through or vertical discharge of air and being uniquely constructed to fit ceiling to roof depths ranging from approximately 4 to 13 inches. (See Abstract of Joy.) Thus, Joy teaches an apparatus which is vastly different from the subject matter of the present invention. The apparatus taught in Joy is **not attached to a tank manway or a grain bin fan opening**; the apparatus of Joy is attached permanently to the roof of a bathroom of a mobile or modular home.

The opening indicated in red in the copy of Figure 4 and 5 of Joy attached to the office action is not for enabling a worker's line to be inserted through a manway having a fan attached thereto as presently claimed; the opening is for permanent receipt of a pre-wired conduit box 22d including in the base housing 22, see column 5, lines 1-2 of Joy. As further stated in Joy, column 5, lines 3-8:

"The conduit box 22d includes two plug sockets as shown and designated 22e and 22f. The plug sockets 22e and 22f are adapted to receive the male plugs (not shown) attached at the ends of the wire means 33a and 35a to thus supply an electricity source to the light socket 33 and the motor 35 respectively."

Thus the opening in Joy is permanently closed by the connection of conduit box 22 thereto, and the opening could not be used for the receipt of workers' lines, including hoses and electrical wires, extending into a manway. The electrical connections permanently connected to conduit box 22 extend only to light socket 33 and fan motor 35.

The lines of the present invention do not extend to the fan connected to the manway of the tank; rather, the lines of the present invention extend through the opening to

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the workers' equipment inside the tank. Joy actually teaches away from the presently claimed invention.

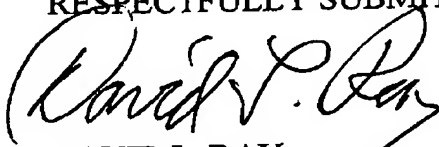
It is thus believed that it is not obvious to combine Steffen with Joy. As stated in In re Sernaker, 217 USPQ 1, 6 (CAFC 1983):

"[P]rior art references in combination do not make an invention obvious unless something in the prior art references would suggest the advantage to be derived from combining their teachings."

It is submitted that there is nothing in Joy or Steffen to suggest the advantage from combining their teachings. It is therefore believed, for the reasons stated above, that claims 17-20 as amended are patentable over all prior art.

In accordance with the foregoing remarks and amendments it is believed that all claims are in condition for allowance, and accordingly an early notice of allowance is respectfully requested.

RESPECTFULLY SUBMITTED:



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